

DRAGAS MANAGEMENT CORPORATION,

Plaintiff,

v.

Civil Action No. 2:10cv547

HANOVER INSURANCE CO., *et al.*,

File Under Seal

Defendants.

**DRAGAS MANAGEMENT CORPORATION'S MEMORANDUM IN SUPPORT
OF MOTION TO SEAL CERTAIN PORTIONS OF ITS REPLY MEMORANDUM
IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT
AND CERTAIN CONFIDENTIAL EXHIBITS M, P, Q, AND R
TO THE SUPPLEMENTAL DECLARATION OF KRISTAN B. BURCH**

In support of its Motion to Seal pursuant to Local Rule 5, plaintiff, Dragas Management Corporation ("DMC"), states the following:

1. DMC moves the Court for leave to file under seal (1) Certain Portions of DMC's Reply Memorandum in Support of its Motion for Partial Summary Judgment ("Summary Judgment Brief"), and (2) Certain Confidential Exhibits M, P, Q and R to the Supplemental Declaration of Kristan B. Burch ("Certain Confidential Exhibits"). DMC's Summary Judgment Brief and Certain Confidential Exhibits contain confidential information and, under the Motion for Protective Order recently filed with the Court [Dkt. No. 26] ("Motion for Protective Order"), DMC's Summary Judgment Brief and Certain Confidential Exhibits should be filed under seal.

2. There are three requirements for sealing court findings: (1) public notice with an opportunity to object; (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and rejecting alternatives to sealing. *See, e.g., Flexible Benefits Council v. Feldman*, No. 1:08-CV-371, 2008 U.S. Dist. LEXIS 93039 (E.D. Va. Nov. 13, 2008) (citing *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)). DMC contends that DMC's Summary Judgment Brief, and Certain Confidential Exhibits contain data

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that is and should be kept confidential. *In camera* copies of DMC's Summary Judgment Brief
and Certain Confidential Exhibits are being provided to the Court. In light of DMC's concerns
and the Motion for Protective Order, there appears to be no alternative that appropriately serves
DMC's expressed confidentiality concerns.

3. For the sake of consistency with practices governing the case as a whole, DMC
believes certain portions of DMC's Summary Judgment Brief, and Certain Confidential Exhibits
should remain sealed and be treated in accordance with the terms and conditions of the Motion
for Protective Order.

Accordingly, and in satisfaction of the requirements of Local Rule 5, DMC respectfully
asks the Court to enter the Proposed Agreed Order sealing portions of DMC's Summary
Judgment Brief, and Certain Confidential Exhibits.

Dated: February 1, 2011

Respectfully submitted,

DRAGAS MANAGEMENT CORPORATION

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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a Notice of Electronic Filing (NEF) to the following registered users:

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